

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

OPTRASCAN, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 24-649-JCG
	)	
MORPHLE LABS, INC.,	)	<b>JURY TRIAL DEMANDED</b>
	)	
Defendant.	)	

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**PLAINTIFF OPTRASCAN, INC.'S LETTER BRIEF**  
**REGARDING DEPOSITION DISPUTE**

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Dated: September 29, 2025

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**PLAINTIFF OPTRASCAN, INC.’S LETTER BRIEF**  
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Plaintiff OptraSCAN, Inc. (“OptraSCAN”) seeks the in-person deposition of three officers of Defendant Morphle Labs Inc. (“Morphle”), which Morphle has refused. As a Counterclaimant, the Scheduling Order requires Morphle to produce officers for deposition within the District of Delaware. D.I. 33, ¶ 8. During Morphle’s Rule 30(b)(6) deposition, the following officers were identified: Ashish Manmode, VP of software (Ex. A, (Dep. Tran. p. 17, ln 18 – 19)), Akash Abishek, VP of mechanical design (*id.* at p. 18, ln 9 – 10), and Sunnel Daniel, head of sales and marketing (*id.* at p. 41, ln 10 – 12) (collectively, “the Requested Deponents”). These roles define them as officers and subject to in-person depositions in Delaware in accordance with the Scheduling Order. *See ACI Worldwide v. Tracfone, Wireless, Inc.*, 2017 U.S. Dist. Lexis 119526, 3 – 4 (D. Del. 2017); *Pettyjohn v. Goodyear Tire & Rubber Co.*, 1992 U.S. Dist. Lexis 10098, 3 (E.D. PA 1992). OptraSCAN has made reasonable efforts to reach agreement with Morphle on the matters set forth in this submission, including two meet and confers, but has not been able to resolve it.

Due to Morphle’s delaying tactics, OptraSCAN requires the Court to intervene. OptraSCAN initially sought the Rule 30(b)(6) deposition of Morphle for March 27, 2025. After multiple weeks of back and forth discussions, Morphle agreed to Mr. Hiwale’s deposition for May 27. However, on May 23, in a conflict over the use of documents just produced by Morphle, Morphle unilaterally canceled the May

27 deposition over OptraSCAN's express objections and request to proceed. Ex. B, p. 2-5. The Rule 30(b)(6) deposition finally took place on July 15. During this deposition, OptraSCAN first learned of the roles for the Requested Deponents and others. OptraSCAN issued deposition notices for sixteen Morphle witnesses, including the Requested Deponents. *Id.* at p. 8. Following receipt of the notices, Morphle's counsel, Mr. Silva, noted that the witnesses are in India. *Id.* at p. 7. Mr. Weinstein responded that while some employees may be exempt from travelling to the United States, that exemption did not apply to officers. *Id.* at p. 6. Mr. Weinstein also offered a concession of having the in-person depositions in Boston to avoid travel for Morphle's counsel. *Id.* The parties conducted a meet and confer on August 25 that failed to resolve the dispute.

After the meet and confer, OptraSCAN's counsel offered a concession to limit the in-person depositions to the Requested Deponents along with Mr. Hiwale. Morphle's counsel declined and only offered Zoom. *Id.* at p. 9. Mr. Weinstein then offered to have all of the depositions other than Mr. Hiwale taken by Zoom and requested another meet and confer. *Id.* at p. 14. Prior to that meet and confer, Mr. Weinstein offered a list of proposed deposition dates for all witnesses, limiting in-person ones to the Requested Deponents and Mr. Hiwale. *Id.* at p. 21-22. Following the September 15 meet and confer, the parties could not agree on dates, nor which witnesses, would be deposed and where. *Id.* at p. 15-21. Morphle's counsel final

offer on September 23 offered no in-person depositions except for Mr. Hiwale and Zoom depositions for only Mr. Manmode and Mr. Daniel, but not for Mr. Abishek. *Id.* at p. 16-17. On September 24, OptraSCAN's counsel reiterated that case law supports that the Requested Deponents are subject to in-person deposition and requested confirmation of dates by 5 pm September 25. *Id.* at p. 15. Receiving no response, OptraSCAN's counsel contacted and left a voice message for Mr. Taronji the afternoon of September 26 requesting the Court's assistance to resolve the dispute.

To date, Morphle's counsel has only offered unsupported assertions that the Requested Deponents are not officers under the Scheduling Order and they should not be required to sit for in-person depositions. The Requested Deponents are critical witnesses due to their positions at Morphle and it is incumbent that the Court order that these depositions occur in-person. As the Court is aware, in-person depositions provide benefits that are not available through Zoom, Teams or Meets. These include the opportunity to provide the witness with exhibits that are easily viewed that are related to technical issues and other issues in this case, the ability to observe nonverbal cues, as well as other benefits. It is worth noting that OptraSCAN has been willing to limit remaining depositions to just four witnesses: Mr. Hiwale and the Requested Deponents. The Court should therefore order the in-person depositions of the Requested Deponents and Mr. Hiwale.

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